

Notice of Allowability**Application No.**

09/918,360

Examiner

Martin Lerner

Applicant(s)

KNOCKEART ET AL.

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 February 2005.
2. ☒ The allowed claim(s) is/are 1 to 12, 14 to 25, and 27.
3. ☒ The drawings filed on 14 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

ELECTION/RESTRICTION

Newly submitted Claim 26 is directed to an invention that is independent or distinct from the invention originally claimed. Since Applicants have received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.142(b) and MPEP § 821.03.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 to 12, 14 to 25, and 27, drawn to a mobile device and method for accepting a command from a user to provide an audible prompt, monitoring an external condition in an environment, and limiting an input mode according to the external condition of the environment, classified in class 704, subclass 275.
- II. Claim 26, drawn to a method for controlling a device enabling acceptance of multiple input modes in a first operating condition, and restricting acceptance of input from at least one of the input modes in a second operating condition, classified in class 704, subclass 235.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such

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as for an interactive voice response system accepting voice commands according to an external condition in an environment. See MPEP § 806.05(d).

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has separate utility such as for a word processing application with speech recognition where there are input modes accepting speech and keystrokes, but no voice commands or external environmental conditions are involved. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Rex Huang on 23 May 2005, an election was made without traverse to prosecute the Invention of Group I, Claims 1 to 12, 14 to 25, and 27.

This application is in condition for allowance except for the presence of Claim 26 to invention non-elected without traverse. Accordingly, Claim 26 has been cancelled.

EXAMINER'S AMENDMENT/COMMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rex Huang on 23 May 2005.

The application has been amended as follows:

Cancel claim 26.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or reasonably suggest the combination of monitoring an external condition in the environment of a device, and limiting an input mode according to the external condition in the environment, where input is accepted from a user in response to visual and audible prompts. *French-St. George et al.* discloses presenting a combination of visual and audible prompts, a set of input choices, and playing an audible prompt in response to a command from a user, but omits monitoring an external condition and limiting an input mode according to the external condition. *Kamai et al.* discloses a safety confirmation procedure for inhibiting a voice output unless predetermined conditions relating to braking and speed are met.

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(Column 8, Line 51 to Column 9, Line 7: Figure 4). However, *Kamai et al.* does not limit an input mode, but instead limits voice output. Limiting an input mode is a different thing from limiting an output mode. Applicants' Specification, Page 3, Lines 11 to 14, states that safety is improved by reducing a driver's need to divert his attention from a roadway when using an in-vehicle navigation system requiring user input.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

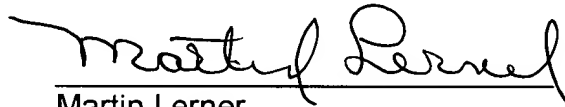
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
5/24/05

A handwritten signature in black ink, reading "Martin Lerner". The signature is written in a cursive style with a horizontal line underneath the name.

Martin Lerner
Examiner
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